

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**



75-1010

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

-against-

GABRIEL GALINDO-VALDEZ,

Appellant.

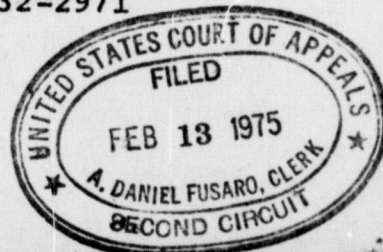
*7cc* *B* *Pys*  
Docket No. 75-1010

APPENDIX

ON APPEAL FROM A JUDGMENT  
OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

WILLIAM J. GALLAGHER, ESQ.,  
THE LEGAL AID SOCIETY,  
Attorney for Appellant  
FEDERAL DEFENDER SERVICES UNIT  
509 United States Court House  
Foley Square  
New York, New York 10007  
(212) 732-2971

PHYLIS SKLOOT BAMBERGER,  
Of Counsel



PAGINATION AS IN ORIGINAL COPY



D. 1  
CR

73 CR 858

TRAVIA

TITLE OF CASE		ATTORNEYS
THE UNITED STATES		For U. S.: Cunningham
VS.		
GABRIEL GALINDO-VALDEZ		
		For Defendant:
Did re-enter the US illegally, etc.		

ABSTRACT OF COSTS	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
Fine,		3/1/74	Inter. Officer (20 fee)		
Clerk,		12/23/74	Notice of appeal (No Fee)		
Marshal,					
Attorney,					
Commissioner's Court,					
Witnesses,					

DATE	PROCEEDINGS
9-20-73	Before Weinstein J - Indictment filed.
10/1/73	Before TRAVIA, J. - Case called - Deft and counsel Simon Chrein of LAS present - Deft waives reading of the Indictment and enters a plea of not guilty - 30 days for motions
10-4-73	Magistrate's file 73 M 1407 inserted into CR file.
10/26/73	Notice of readiness for trial filed
1/4/74	Before TRAVIA, J. - Case called - Adj'd to 1/11/74 to set trial date
1-11-74	Before TRAVIA J - Case called - deft & counsel Simon Chrein of Legal Aid present - adj'd to Jan. 15, 1974 for trial.
1-15-74	Before WEINSTEIN J - Case called - deft & counsel S. Chrein of Legal Aid present - Joaquim Guma sworn as interpreter - Indictment amended to Title 8 and not Title 18 - Hearing ordered to determine predict of charge and begun and concluded - Fingerprint report to

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DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
	be submitted by 1-18-74. Deft withdraws his plea of not guilty and having been advised of his rights by the court and on his own behalf enters a plea of guilty as charged - sentence adjd to 1-25-74 at 10:45 am.		
1-15-74	Before TRAVIA J - case called -respectfully referred to Judge Weinstein		
1-25-74	Before WEINSTEIN J - case called - deft & counsel S.Chrein of Legal Aid present - Emil Rodriguez sworn as interpreter - defts motion to withdraw his plea of guilty is granted - case to be returned for all purposes to Judge Travia.		
2-8-74	Before TRAVIA, J.- Case called- Deft and counsel Simon Chrein of L.A.S. Greenberg sworn- Defense counsels application to be relieved is denied as the deft informs the court that he is satisfied with present counsel		
2-20-74	Before MISHLER, CH.J.- Case called- Deft and counsel present- Interpreter Daisy Santos present- Trial ordered and begun- Jurors selected and sworn- Trial contd to 2-20-74		
2-20-74	Before MISHLER, CH.J.- Case called- Deft present with counsel- Trial resumed Joaquin Guma sworn in as interpreter- Govt rests- Deft moves for verdict of acquittal- Motion denied- Letter to Judge TRAVIA from the deft marked court's exhibit 1 and ordered sealed- Deft rests- Deft renews his motion for a judgment of acquittal- Motion denied- Trial contd to 2-21-74		
2-21-74	Before MISHLER, CH J - case called - deft & counsel S.Chrein of Legal Aid present - Interpreter Joaquim Guma present - Trial resumed - court charges Jury - at 10:35 the Jury retired for deliberations - at 2:05 PM the Jury returned with a verdict of guilty as charged - Jury polled - Jury discharged - Trial concluded - sentence set down for March 1, 1974. Defts motion to set aside the verdict is denied.		
2-21-74	Stenographers transcript dated Feb. 20, 1974 filed.		
2-21-74	By Mishler, Ch J - Order of Sustenance filed -Lunch , 15 persons.		
2-22-74	Voucher for Expert Services filed.		
3-1-74	Before MISHLER, CH J - case called - deft & counsel S.Chrein of Legal Aid present - Interpreter Emmy Trumpy present - deft sentenced to a term of imprisonment for 2 years and a fine of \$1,000-execution of sentence is suspended and the deft is placed on unsupervised probation for a period of 5 years under 18:5010(a).Special condition of probation is that the deft be deported and not to return to the U.S. or its territories during his probationary period - after defts probation period he will need consent by the Atty General to enter the U.S.or its territories. Clerk to file Notice of Appeal without fee.		



## CRIMINAL DOCKET

DATE	PROCEEDINGS
3-1-74	Judgment and Order of Probation filed -- certified copies to Probation.
3-1-74	Notice of Appeal filed (no fee)
3-1-74	Docket entries and duplicate of Notice of Appeal mailed to the C of A
3-1-74	Stenographers transcript dated 2-21-74 filed.
3-7-74	Order received from Court of Appeals and filed that record be docketed on or before 3-21-74
3/21/74	Stenographer's transcript of 3/1/74 filed.
3/21/74	Record on Appeal certified and handed to Sandy Sadowitz for hand delivery to the Court of Appeals.
3-25-74	Acknowledgment received from the Court of Appeals and filed for receipt of Index to Record on Appeal.
3-25-74	Voucher for Expert Services filed.
5-1-74	By MISHLER, CH.J.- Bench warrant ordered-issued
6-10-74	Certified copy of Judgment affirming the Judgment of this Court filed received from the C of A (JN & USA)
9-9-74	Before MISHLER, CH J - case called - deft Valdez present with counsel S.Chrein of Legal Aid - Interpreter Helli Wolf sworn - hearing on violation of probation adjd without date.
11/15/74	Before MISHLER, CH.J.- Case called- Conference held- Hearing <del>held</del> set down for 11/22/74 at 4:00 P.M. on violation of probation
11/22/74	Before MISHLER, CH.J.- Case called- Deft and counsel Simon Chrein of Legal Aid present- Interpreter present- On oral motion by govt th deft is committed to Kings County Hospital for psychiatric examination pursuant to T-18, U.S.C. Sec. 4244- Order signed- Hearing on violation of probation adjd to 12/13/74 at 4:00 P.M.
11/22/74	By MISHLER, CH.J.- Order filed that the deft be examined as to his mental condition, pursuant to T-18, U.S.C. Sec. 4244, said examination to be conducted at Kings County Hospital, for a <del>period</del> period not to exceed 15 days, etc.
11/26/74	Certified copy of above order ret'd and filed- deft delivered to Kings County Hospital
12/13/74	Before MISHLER, CH.J.- Case called- Adj'd to 12/20/74 at 4:00 P.M.
12/23/74	Before MISHLER, CH.J.- Case called- Deft and counsel present- Interpreter present- Hearing ordered and begun- Both sides rest- Hearing concluded Court found deft has violated conditions of probation- Probation <del>revo</del>

[illegible]



SEP 20 1973

EJB:MCC:po  
F. 733739

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TIME A.M. ....  
P.M. ....

73 CR 858

----- X  
UNITED STATES OF AMERICA

INDICTMENT

-against-

Title 18 U.S.C. §1326

GABRIEL GALINDO-VALDEZ,

Defendant.  
----- X

THE GRAND JURY CHARGES:

On or about the 13th day of September 1973  
within the Eastern District of New York, the defendant  
GABRIEL GALINDO-VALDEZ, having previously been arrested  
and deported from the United States pursuant to law on  
April 2, 1973, was found in the United States, the de-  
fendant well knowing that his presence in the United  
States was unlawful. (Title 18 United States Code, §1326).  
*8 (amended 1/15/74)*

A TRUE BILL

*Robert A. Wase*  
Foreman.

*Robert A. Wase*  
UNITED STATES ATTORNEY



-----  
THE UNITED STATES OF AMERICA

VS

GABRIEL GALINDO-VALDEZ  
-----

FILED  
U.S. DISTRICT COURT  
CLERK'S OFFICE  
EASTERN DISTRICT OF NEW YORK  
DEC 24 1974  
73 CR 858  
TIME A.M. ....  
P.M. ....

WHEREAS, the defendant on February 21, 1974, having been found guilty by a jury of the violation of T-18, U.S.C. Sec. 1326, in the United States District Court for the Eastern District of New York, and he was thereupon sentenced to a term of imprisonment for 2 years and a fine of \$1,000.00. Execution of sentence was suspended and the defendant was placed on unsupervised probation for a period of 5 years, pursuant to T-18, U.S.C. Sec. 5010(a). Special conditions of probation was that the defendant shall be deported and not return to the United States or its territories during his probationary period, and

The defendant having appeared in Court for a hearing charging violation of probation and after said hearing having been held the defendant is found guilty of violating conditions of probation, and

IT IS ORDERED that the defendant is sentenced to a term of imprisonment for a period of 2 years.

IT IS FURTHER ORDERED that the Clerk deliver certified copies of this Order to the United States Marshal and Probation Officer for the Eastern District of New York.

DATED: Brooklyn, New York

December 20, 1974

UNITED STATES DISTRICT JUDGE

Certificate of Service

Jul. 13, 1975

I certify that a copy of this brief and appendix has been mailed to the United States Attorney for the Eastern District of New York, and to appellant.

Phyllis M. Brey





